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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,462	08/22/2001	Lisa Dhar	495812000300	8990
20872	7590	05/31/2005	EXAMINER	
MORRISON & FOERSTER LLP 425 MARKET STREET SAN FRANCISCO, CA 94105-2482			AHMAD, NASSER	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 05/31/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/935,462

Applicant(s)

DHAR ET AL.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-97,99 and 101-108 is/are pending in the application.
- 4a) Of the above claim(s) 1-93 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 94-97, 99 and 101-108 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Rejections Maintained***

1. Claims 94-97, 99 and 101-18 rejected under 35 USC 102(b) as being anticipated by Campbell for reasons of record in the last Office Action, paragraph-5, mailed on November 29, 2004.

### ***Response to Arguments***

2. Applicant's arguments filed February 28, 2005 have been fully considered but they are not persuasive.

Applicant argues that Campbell fails to disclose or suggest a multilayered article as recited in claim 94, in that it does not disclose two layers of adherent on two opposing surfaces of a single article. This is not found to be convincing because, as explained in the last Office Action, paragraphs 5 and 6, Campbell clearly shows the claimed multilayered article structure in figure-6C. To further clarify, it comprises an article which is taken to be the laminate (24-28-26) and the article is adhesively adhered to a substrate (20,22), and has a hole as shown in figure-4B. thus, it discloses the multilayered article as recited in claim 94 because the adhesive is located on the two opposite surfaces of the laminate.

Claims 95-97, 99 and 101-107 depend from claim 94 and are rejected over Campbell in view of the above ground of explanation. Similarly, the above ground of explanation also applies *a fortiori* to claim 108.

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Applicant argues that Campbell fails to disclose or suggest that the substrate "has at least one hole" and that the examiner appears to be ignoring the recited relationship of the article, first and second layer of adherents, and the substrate as recited in claim 94. Once again, the above grounds of explanation apply *a fortiori* herein with regards to the relationship of the stated components as recited in claim 94. As for the presence of "at least one hole" in the substrate, figure-4B of Campbell clearly shows said feature.

Applicant should note that in Campbell, the element 70 in figure-4B is a holder which is same as holder (20, 22) in figure-6C, except that it has hole as recited in claim 94.

With regard to claims 103 and 104, Examiner would like to further clarify applicant's concern about the "relief pattern" by directing to figure-6C wherein the substrate (20, 22) is provided with inner and outer surfaces. These surfaces would inherently have relief pattern thereon for promoting adherence of the article thereto. Further, the surface relief pattern can be due to the manufacturing imperfections. In the alternative, because in Campbell's figure-4B, the holder (70) is same as the holder(20, 22) in figure-6C, the holder (70) includes relief pattern such as openings provided on both its surfaces.

Responding to applicants' allegation that the burden of proof is on the examiner in view of the explanation provided by the examiner in "Response to arguments" in the last Office Action, Applicant is informed that said explanation was provided in response to the allegation raised by the applicant in the amendment filed on July 13, 2004.

Examiner has attempted to explain regarding the surface relief pattern in the rejection

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as well in the "Response to Arguments" section in the last Office Action and, contrary to applicants' allegation, the burden was not shifted to the applicant. However, in response, applicant has merely argued that Examiner's reasoning is insufficient to maintain the rejection, without any evidentiary showing otherwise.

Thus, in the absence of any evidence to the contrary, it remains the examiner's position that the instant claimed invention is anticipated by the prior art of record discussed above.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

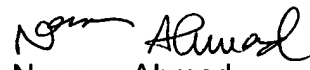
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-

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1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
May 26, 2005.